

STATE PERSONNEL BOARD CALENDAR



DECEMBER 1–2, 2004

SAN FRANCISCO, CALIFORNIA

State of California

Memorandum

DATE: November 19, 2004

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the December 1-2, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on December 1-2, 2004, at the Civic Center, Benicia Room, located at 455 Golden Gate Avenue, San Francisco, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the December 1-2, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, California, 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY
Secretariat's Office
Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING¹
801 Capitol Mall
Sacramento, California

Public Session Location – Civic Center
455 Golden Gate Avenue
San Francisco, California, Benicia Room
Teleconference – 320 West 4th Street²
Los Angeles, CA, Suite 620

Closed Session Location – Benicia Room
Teleconference – 320 West 4th Street
Los Angeles, CA, Suite 620

TWO-DAY BOARD MEETING – DECEMBER 1-2, 2004

FULL BOARD MEETING AGENDA³

DECEMBER 1, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- | | |
|---------------|---|
| 10:00 - 10:30 | 1. ROLL CALL |
| | 2. REPORT OF THE EXECUTIVE OFFICER
Report of Floyd Shimomura
Executive Officer, State Personnel Board |
| | 3. REPORT OF THE CHIEF COUNSEL |

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

² Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, CA.

³ The Agenda for the Board can be obtained at the following Internet address:
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Agenda – Page 2
December 1, 2004

4. NEW BUSINESS
(Items may be raised by Board Members for scheduling and discussion at future meetings.)

5. REPORT ON LEGISLATION

6. ELECTION OF BOARD OFFICERS AND PERS REPRESENTATIVE

- 10:30 - 11:00 7. ORAL ARGUMENT
Oral Argument in the matter of ROYCE HENSON, CASE NO. 02-3501E. Appeal from retaliation complaint. Staff Services Manager II (Supervisor). Department of Forestry and Fire Protection.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:00 - 12:00 8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

- 12:00 - 1:00 LUNCH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:00 – 3:00 9. INFORMATIONAL HEARING – BUREAU OF STATE AUDITS REPORT NO. 2004-105, ISSUED OCTOBER 2004, CONCERNING DISCIPLINE IN THE DEPARTMENT OF CORRECTIONS. Representatives from the Bureau of State Audits, Department of Corrections, Office of the Inspector General, and the California Correctional Peace Officers' Association, have been invited to discuss the Bureau of State Audit's findings and recommendations.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 3:00 – 3:15 10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 3:15 – 3:45 11. ORAL ARGUMENT
Oral Argument in the matter of DANNY BOYD, CASE NO.
03-1537P. Appeal from dismissal. Youth Correctional
Officer. Department of Youth Authority.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 3:45 – 4:00 12. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 4:00 – 4:30 13. ORAL ARGUMENT
Oral Argument in the matter of EDWARD LIMON, CASE NO.
04-0233. Appeal from dismissal. Parole Agent I.
Department of Youth Authority.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 4:30 - 14. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINA-
TION COMPLAINTS, AND OTHER PROPOSED
DECISIONS SUBMITTED BY ADMINISTRATIVE LAW
JUDGES
Deliberations on matters submitted at prior hearings, on
proposed decisions, petitions for rehearing, rejected
decisions, remanded decisions, submitted decisions, and
other matters related to cases heard by administrative law
judges of the State Personnel Board or by the Board itself.
[Government Code Sections 11126 (d), and 18653 (2).]

A D J O U R N M E N T

CALIFORNIA STATE PERSONNEL BOARD MEETING¹
801 Capitol Mall
Sacramento, California

Public Session Location – Civic Center
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Closed Session Location – Benicia Room
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Los Angeles, CA, Suite 620

TWO-DAY BOARD MEETING – DECEMBER 1-2, 2004

CONCURRENT BOARD MEETING AGENDA³

DECEMBER 2, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- | | |
|-------------|--|
| 8:25 - 8:30 | 1. ROLL CALL |
| 8:30 - 9:00 | 2. ORAL ARGUMENT (Written Record)
Oral Argument in the matter of RICHARD HARMON, CASE
NO. 03-3739. Appeal from dismissal, Psychiatric Technician
Assistant. Department of Developmental Services. |

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CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 9:00 - 3. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY THE ADMINISTRATIVE LAW JUDGES
Deliberations on matter submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

4. PENDING LITIGATION
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e)(1), 18653.]

State Personnel Board v. Department of Personnel Administration, California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association, California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court Case No. S125502.

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, v. Department of Industrial Relations and California State Personnel Board, Sacramento Superior Court No.: 04CS00677

Caltrans v. SPB (Torossian)

Larry Moore v. SPB

5. RECOMMENDATIONS TO THE LEGISLATURE
Deliberations on recommendations to the Legislature. [Government Code Section 18653.]

6. RECOMMENDATIONS TO THE GOVERNOR
Deliberations on recommendations to the Governor.
[Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

7. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF DECEMBER 14, 2004, CALIFORNIA

BOARD ACTIONS

8. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY
MINUTES OF NOVEMBER 16, 2004
9. ACTION ON SUBMITTED ITEMS
(See Agenda Page 20)
These items have been taken under submission by the State
Personnel Board at a prior meeting and may be before the
Board for a vote at this meeting. This list does not include
evidentiary cases, as those cases are listed separately by
category on this agenda under Evidentiary Cases.
10. EVIDENTIARY CASES
The Board Administrative Law Judges conducts
Evidentiary hearings in appeals that include but are not limited
to, adverse actions, medical terminations, demotions,
discrimination, reasonable accommodations, and whistleblower
complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

ANN R. ABIERAS, CASE NO. 04-0531A AND
EVELYN B. CORPUS, CASE NO. 04-0529A
Appeal from ten-percent reduction
in salary for twelve months
Psychiatric Technician Assistants
Department of Developmental Services

NICHOLAS COMAITES, CASE NO. 03-0062A
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND
PAUL WARD, CASE NO. 03-0332A
Appeal from official reprimand
Correctional Administrator
Department of Corrections

DEBRA GREENE, CASE NO. 03-0621A
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

CONNIE JOHNSON, CASE NO. 03-2620R
Appeal from 30-calendar-days suspension
Employment Program Representative
Employment Development Department

VIRGINIA PARKER, CASE NO. 03-0325A
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison – Blythe
Department of Corrections

PEARLIE BLEDSOE-TOWNES, CASE NO.
03-2966A
Appeal from denial of request for reasonable
accommodation
Correctional Sergeant
Central California Women's Facility – Chowchilla
Department of Corrections

DENNIS UYEDA, CASE NO. 03-2396A
Appeal from five-working-days suspension
Latent Print Analyst II
Department of Justice

GARY WHALEY, CASE NO. 03-1420A
Appeal from discrimination
Employment Program Representative
Employment Development Department

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

DANNY BOYD, CASE NO. 03-1537P
Appeal from dismissal
Youth Correctional Officer
Department of Youth Authority

RICHARD HARMON, CASE NO. 03-3739
Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental Services

ROYCE HENSON, CASE NO. 02-3501E
Appeal from whistleblower retaliation complaint
Staff Services Manager II (Supervisor)
Department of Forestry and Fire Protection

EDWARD LIMON, CASE NO. 04-0233
Appeal from dismissal
Parole Agent I
Department of the Youth Authority

C. CHIEF COUNSEL RESOLUTIONS

NONE

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

WANDA ALLEN, CASE NO. 04-1072E
Appeal from denial of request for
reasonable accommodation
Motor Vehicle Field Representative
Department of Motor Vehicles

DONNA FAIAD, CASE NO. 02-1051
Appeal from dismissal
Program Technician
Employment Development Department

XAVIER HILL, CASE NO. 03-3219
Appeal from dismissal
Caltrans Equipment Operator
Department of Transportation

GARY LOO, CASE NO. 04-1173
Appeal from 20-working-days suspension
Highway Patrol Officer
California Highway Patrol

MICHAEL MCGUIRE, CASE NO. 04-0490
Appeal from demotion
Program Director
Department of Developmental Services

MARC ROBERTSON, CASE NOS. 04-0512E &
03-2961E
Appeal of discrimination and retaliation
Correctional Officer
California Men's Colony - San Luis Obispo
Department of Corrections

MIRASOL TIRADO, CASE NO. 04-0264
Appeal from dismissal
Correctional Officers
Centinela State Prison - Imperial
Department of Corrections

LUIS VALENZUELA, CASE NO. 04-0522
Appeal from dismissal
Correctional Officers
Centinela State Prison – Imperial
Department of Corrections

- Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

RONALD BORTMAN, M.D., CASE NO. 03-3022PR
Appeal from five-percent reduction in
salary for six months
Staff Psychiatrist (CF)
California State Prison - Crescent City
Department of Corrections

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

JOHN C. COTTER, CASE NO. 04-0178P
Appeal from 30-calendar-days suspension
Electrician
California State University - San Marcos
Petition for rehearing filed by appellant
to be granted or denied

SANDRA ESSEX, CASE NO. 04-0133P
Appeal from dismissal
Correctional Officer
Pelican Bay State Prison – Crescent City
Department of Corrections
Petition for rehearing filed by appellant
to be granted or denied

ERROL LEWIS, CASE NO. 04-0082P
Appeal from dismissal
Youth Correctional Counselor
Department of the Youth Authority
Petition for rehearing filed by appellant
to be granted or denied

MARC ROBERTSON, CASE NO. 01-2501P
Appeal from demotion
Correctional Sergeant
California Men's Colony – San Luis Obispo
Department of Corrections
Petition for rehearing filed by appellant
to be granted or denied

BRUCE WELLS, CASE NO. 02-1954P

Appeal from dismissal

Transportation Surveyor

Department of Transportation

Petition for rehearing filed by appellant
to be granted or denied

- Whistleblower Notice of Findings

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

SHEILA HAWKINS, CASE NO. 04-2268P

Appeal from whistleblower retaliation

Classification unknown

Department of Consumer Affairs

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

JENNIFER CADY, CASE NO. 03-3390E

Appeal from denial of request for
reasonable accommodation

Deputy Attorney General IV

Department of Justice

SHARON COHEN, CASE NO. 03-3389E

Appeal from denial of request for
reasonable accommodation

Deputy Attorney General IV

Department of Justice

JOHN A. CRUZ, CASE NO. 04-1376

Appeal from 60-calendar-days suspension

Automotive Equipment Operator I

California Department of Veterans Affairs

NESSLIN CRUZ, CASE NO. 03-1824

Appeal from ten-work-days suspension

Employment Program Representative
(Permanent/Intermittent)

Employment Development Department

PRISCILA CRUZ, CASE NO. 04-0554E
Appeal from discrimination complaint
Clinical Laboratory Scientist
California Medical Facility - Vacaville
Department of Corrections

DON DOWLING, CASE NO. 04-1482 AND
ROGER HANSON, CASE NO. 04-1523
Appeals from dismissal
Police Officers I
Department of Developmental Services

DOREATHA FLEMING, CASE NO. 03-2274
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

JOHN FLORES, CASE NO. 03-2588
Appeal of discrimination and retaliation
Hospital Peace Officer I
Department of Mental Health

HAJI JAMEEL, CASE NO. 04-0330
Appeal from dismissal
Supervising Transportation Engineer
California Public Utilities Commission

JOE W. JORDAN, CASE NO. 04-0393
Appeal from dismissal
Youth Correctional Counselor
Department of Youth Authority

KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542A
Appeal from denial of reasonable accommodation
And from constructive medical termination
Office Technician (General)
Department of Fish and Game

SAMUEL SWEENEY, CASE NO. 04-0794
Appeal from 20-calendar-days suspension
Correctional Officer
California Institution for Men – Chico
Department of Corrections

ANTHONY VEGAS, Case No. 03-2204
Appeal from dismissal
Parole Agent I (Adult Parole)
Department of Corrections - Stockton

11. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION (See Agenda Page 22)

12. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION CASES HEARD
BY A STAFF HEARING OFFICER**

JEFFREY HIBLER, CASE NO. 03-3478
Classification: Correctional Officer
Department: Department of Corrections

**WITHHOLD FROM CERTIFICATION CASES NOT HEARD
BY A STAFF HEARING OFFICER**

ROGER BOSWORTH, CASE NO. 03-2631
Classification: Correctional Officer
Department: Department of Corrections

JESSICA JULIUS, CASE NO. 04-0036
Classification: Correctional Officer
Department: Department of Corrections

EUGEN KUNSTMANN, CASE NO. 03-2926
Classification: Correctional Officer
Department: Department of Corrections

JASON STALLWORTH, CASE NO. 04-0220
Classification: Correctional Officer
Department: Department of Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

ARTHUR CORPUS, JR., CASE NO. 02-3500

Classification: Maintenance Worker, CHP

Department: California Highway Patrol (CHP)

IVONA FELIX, Case No. 03-2171

Classification: State Park Ranger, Cadet

Department: Mental Health

SHAWNA NEWPORT, Case No. 03-2143

Classification: Medical Technical Assistant

Department: Corrections

NORMAN ROY, Case No. 03-2611

Classification: Cadet, CHP

Department: California Highway Patrol

ANTHONY SPARKS, CASE NO. 04-0922

Classification: Licensed Vocational Nurse

Department: Mental Health

DAVID SUAREZ, Case No. 03-3354

Classification: Correctional Officer

Department: Corrections

LOREN SWENSON, Case No. 03-3699

Classification: Cadet, CHP

Department: California Highway Patrol

LARS D. YAHR, CASE NO. 04-1227

Classification: State Park Ranger

Department: Parks and Recreation (DPR)

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by

Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

EXAMINATION APPEAL

MARISA DUARTE, CASE NO. 03-2485

PAULA ESCALANTE, CASE NO. 03-2559

Classification: Associate Governmental Program Analyst

Department: Motor Vehicles

MERIT ISSUE COMPLAINT APPEALS

ERIC HALLER; CASE NO. 03-2256

Classification: Caltrans Equipment Operator II

Department: Transportation

CHARLIE HARRIS, CASE NO. 02-2960

Classification: Park Recreation Specialist

Department: Parks and Recreation

MARIANO KRAMER 03-0424

Classification: Principal Safety Engineer

Department: Industrial Relations

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

REQUEST TO FILE CHARGES CASES

BRIAN BABINSKI, CASE NO. 03-2392

Classification: Committed offender housed at
ASH

Department: Mental Health

RICK CHAVEZ, CASE NO. 03-3782G

Classification: Equipment Operator

Department: Transportation.

BYRON DARRINGTON, CASE NO. 04-1100

Classification: Battalion Chief

Department: Forestry and Fire Protection

DANNY DOMANOVICH, CASE NO. 03-3800

Classification: Former employee of the
Franchise Tax Board

Department: Franchise Tax Board.

CAROLYN FERGUSON, CASE NO. 03-1462

Classification: Supervising Cook

Department: Corrections

EDDIE HARRIS, CASE NO. 03-3535

Classification: Correctional Officer

Department: Corrections

RICHARD KNOLL, CASE NO. 03-3663

Classification: Correctional Officer

Department: Corrections

FRANCIS LABLANC, CASE NO. 03-3814

Classification: Committed offender housed at
ASH

Department: Mental Health

FRANCIS LABLANC, CASE NO. 04-0095

Classification: Committed offender housed at
ASH

Department: Mental Health

DOUG LARRISON, CASE NO. 04-0291

Classification: Automotive Equipment
Operator I

Department: Corrections

LOUIS MORALES, CASE NO. 04-0585

Classification: Correctional Sergeant

Department: Corrections

F. PSYCHOLOGICAL SCREENING CASES - NONE

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

13. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the

14. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

15. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY
ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

(1) AGENCY CHIEF COUNSEL

The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Agency Chief Counsel is responsible for formulating and analyzing significant policy issues that have legal implications, interpreting and articulating legal options and advising the Agency Secretary on courses of legal action consistent with Administration legal policy.

(2) DEPUTY DIRECTOR, EMERGENCY
PREPAREDNESS OFFICE

The Department of Health Services proposes to allocate the above position to the CEA category. The Deputy Director, Emergency Preparedness Office is responsible for ensuring that all aspects of emergency preparedness and response management functions are in place to support the Department's mission to protect the health of the citizens of California.

(3) ASSISTANT DEPUTY DIRECTOR, EMERGENCY
PREPAREDNESS OFFICE

The Department of Health Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Emergency Preparedness Office is responsible for aiding the Deputy Director, Emergency Preparedness Office in defining and establishing policies impacting public health preparedness and emergency response to bio-terrorist/bio-hazardous activities and collaborates with state agencies.

(4) ASSISTANT SECRETARY, CALIFORNIA HEALTH
CARE QUALITY AND COST CONTAINMENT
COMMISSION

The California Health and Human Services Agency proposes to allocate the above position to the CEA category for a period of twenty-four months. The Assistant Secretary, California Health Care Quality and cost Containment Commission is proposed to be on loan from the California Health and Human Services Agency to the Department of Managed

Health Care. The incumbent will work closely with the Commission members, providing coordinated, cohesive policy guidance to allow for more effective planning for health care quality and cost containment programs and to support effective decision making.

(5) DEPUTY DIRECTOR, POLICY AND PROGRAM OPERATIONS

The Employment Development Department proposes to allocate the above position to the CEA category. The Deputy Director, Policy and Program Operations responsibilities include the oversight of the activities of nine critical Employment Training Panel Units, customer and stakeholder needs, employment training issues, and developing and recommending timely and appropriate program policies.

(6) CHIEF INFORMATION OFFICER

The Victim Compensation and Government Claims Board proposes to allocate the above position to the CEA category. The Chief Information Officer will oversee the formulation of policy and have decision-making authority for all Information Technology related activities.

(7) SPECIAL ASSISTANT TO THE UNDERSECRETARY

The Department of Youth Authority on behalf of the Youth and Adult Correctional Agency proposes to allocate the above position to the CEA category. The Special Assistant to the Undersecretary will be responsible for the evaluation, formulation, coordination and implementation of policies and procedures that have a direct relation to the Youth and Adult Correctional Agency and subordinate departments.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) ASSISTANT PROGRAM BUDGET MANAGER, CORRECTIONS/GENERAL GOVERNMENT UNIT

The Department of Finance's request to allocate the above position has been approved effective October 22, 2004.

16. WRITTEN STAFF REPORT FOR BOARD INFORMATION

A. ANNUAL CENSUS OF EMPLOYEE'S IN THE STATE CIVIL SERVICE, 2002 – 2004 FISCAL YEARS.

Government Code sections 19237, 19405, 19705, 19792.5(b) and 19793 requires the State Personnel Board to provide the Governor and the Legislature with an Annual Report regarding the state civil service workforce. This report covers the 2002 – 2004 fiscal years. SPB staff is requesting the Board to approve this report for submission to the Governor and the Legislature.

17. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

ADJOURNMENT

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)
2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002)
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding “Safety” as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added.
(Presented to Board March 4, 2003)
4. HEARING – PSC #04-03
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Presented to Board August 12, 2004)

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov



(Cal. 12/1-2/04)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry Hicks
Director of Legislation